

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated May 22, 2007 (hereinafter Office Action) have been considered. Claims 1-60 remain pending in the application. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

In the Office Action, the Examiner indicates that claims 1-60 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 11-57 of U.S. Patent No. 7,047,071 to Wagner et al. (hereinafter "Wagner"). The Examiner also indicates that claims 9, 10, 16, 17, 25, 26, 28-33, 37-40, 42, 43, 46, 47, 49, 51, 52, 59 and 60 would be allowable if a terminal disclaimer were filed to overcome the nonstatutory obviousness-type double patenting. Claims 1-8, 11-15, 18-24, 27, 34-37, 41, 44, 45, 48, 50 and 53-58 are rejected based on 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,235,246 to Weiss in view of U.S. Patent No. 6,148,230 to KenKnight.

As required by the Examiner, Applicant submits herewith a terminal disclaimer executed by Applicant's Representative that overcomes the nonstatutory obviousness-type double patenting rejection of the claims. Applicant has elected to further prosecute claims directed to the allowable subject matter indicated by the Examiner in the Office Action.

In particular, claim 1 has been amended to include allowable subject matter of claim 9, now canceled without prejudice or disclaimer. Claim 18 has been amended to include allowable subject matter of claim 28. Claim 27 has been amended to include allowable subject matter of claim 31, now canceled without prejudice or disclaimer. Claim 44 has been amended to include allowable subject matter of claim 47, now canceled without prejudice or disclaimer. Claim 48 has been amended to include allowable subject matter of claim 49, now canceled without prejudice or disclaimer. Claim 50 has been amended to include allowable subject matter of claim 51, now canceled without prejudice or disclaimer. Claim 53 has been amended to include allowable subject matter of claim 59, now canceled without prejudice or disclaimer. Claims 10, 39, and 60 have been amended to harmonize dependency of these claims in view of the amendments made to their respective base claims.

Applicant has elected to further prosecute claims directed to the allowable subject matter indicated by the Examiner in the Office Action. It is to be understood that Applicant's election does not constitute acquiescence to the Examiner's rejection of the claims on substantive art grounds, and maintains the arguments regarding patentability of the rejected claims presented in the previous responsive communication. In particular, Applicant does not acquiesce to the Examiner's characterization of the asserted art or Applicant's claimed subject matter, nor of the Examiner's application of the asserted art to Applicant's claimed subject matter. Applicant reserves the right to address the Examiner's characterizations and rejections when prosecuting the rejected claims in one or more continuing applications.

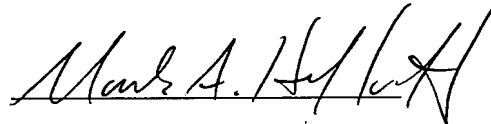
Authorization is given to charge Deposit Account No. 50-3581 (GUID.628PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the Examiner is invited to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

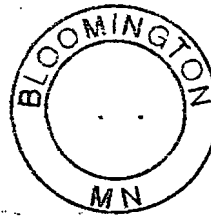
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Date: August 22, 2007

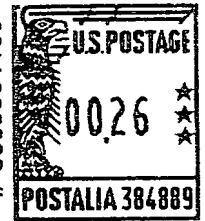
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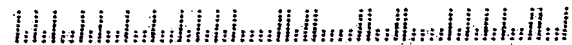
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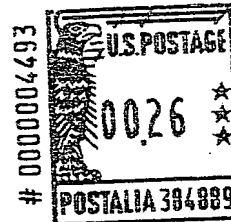
Applicant WAGNER *et al.*
Application Serial No. 10/804,476
Docket No.: GUID.628PA
Date of Deposit: March 8, 2007

- ☒ Final Office Action Response containing Certificate under 37 CFR 1.8.
☒ Return postcard.
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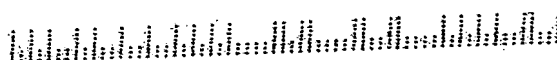
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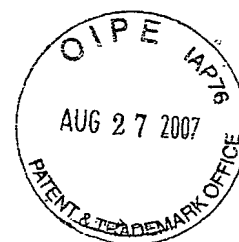


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